

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

Dea'Shawn Harrison,

Plaintiff,

v.

Randy Demory, Director of Hill-Finklea
Detention Center,

Defendant.

Case No. 9:24-cv-4927-RMG

ORDER

Before the Court is the Report and Recommendation (“R & R”) of the Magistrate Judge recommending Plaintiff’s action be summarily dismissed without prejudice and without service of process or leave to amend. (Dkt. No. 8). The Magistrate Judge advised Plaintiff that he had 14 days to file written objections to the R & R, and a failure to file written objections would result in clear error review and a waiver of the right to appeal the district court’s order. (*Id.* at 11). Plaintiff filed no objections to the R & R.

I. Legal Standard

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The Court is charged with making a *de novo* determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the Report for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but

instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee's note).

II. Discussion

This action involves claims by a pro se detainee against the director of the detention center where he has been detained. Plaintiff asserts a broad array of constitutional claims, a claim under the Uniform Commercial Code, claims under criminal statutes, state law claims, and claims that the Magistrate Judge described as “sovereign citizen claims.” The Magistrate Judge notified Plaintiff of pleading deficiencies and gave him an opportunity to amend his pleading. No amendment was forthcoming. The Magistrate Judge then issued the R & R finding that Plaintiff failed to plead claims upon which relief could be granted and recommended summary dismissal without leave to amend or issuance or service of process. Plaintiff filed no objections to the R & R.

The Court finds that the Magistrate Judge ably addressed the factual and legal issues in this matter and correctly concluded that this matter should be summarily dismissed without leave to amend or issuance or service of process.

III. Conclusion

In light of the foregoing, the Court **ADOPTS** the R & R (Dkt. No. 8) as the Order of the Court and **DISMISSES** Plaintiff’s complaint (Dkt. No. 1) without prejudice, without leave to amend, and without issuance and service of process.

AND IT IS SO ORDERED.

s/Richard M. Gergel
Richard Mark Gergel
United States District Judge

January 13, 2025
Charleston, South Carolina